

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Beverly L. Wolgast et al.	)	Group Art Unit: 1624
	)	
Application No.: 10/560,953	)	Examiner: Brenda L. Coleman
	)	
Filed: April 26, 2007	)	
	)	Confirmation No.: 1700
For: PROCESS FOR PREPARING 3-	)	
BENZAZEPINES	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated March 8, 2010, the Office required restriction under 35 U.S.C. § 121 between the following groups of claims:

Group I - Claims 1-27 and 42-65, allegedly drawn to the compounds, compositions, process of preparing and method of use of the compounds of formulae V, Va and Vb.

Group II - Claims 28-34 and 39-41, allegedly drawn to the compounds and process of preparing the compounds of formula IX.

Group III - Claims 35-41, allegedly drawn to the compounds and process of preparing the compounds of formula X.

Applicants elect, without traverse, to prosecute Group I, claims 1-27 and 42-65 allegedly drawn to the compounds, compositions, process of preparing and method of use of the compounds of formulae V, Va and Vb.

The Office also required a "tentative election of a single species within the elected group." See Office Action, p. 3. Applicants elect the species that is a compound of Formula Vb, wherein  $R^1=H$ ,  $R^2=$  methyl,  $R^3=H$ ,  $R^4=Cl$ ,  $R^5=H$ ,  $R^6=H$ ,  $R^{8a}=H$ , and  $R^{8b}=H$ . Claims 1-27 and 42-65 encompass the elected species.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2010

By: \_\_\_\_\_



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